

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGELA HOGAN, on behalf of herself and others similarly situated,

Plaintiff,

V.

AMAZON.COM, INC.,

Defendant.

Case No. 2:21-cv-00996-RSM

STIPULATED MOTION AND
[PROPOSED] ORDER FOR
CONSOLIDATION, FILING OF
CONSOLIDATED AMENDED
COMPLAINT, AND SCHEDULE FOR
ANSWER OR MOTION TO DISMISS

Note on Motion Calendar:

August 30, 2021

ANDREA SEBERSON,

Plaintiff,

V.

AMAZON.COM, INC.

Defendant

Case No. 2:21-cv-01009-RSM

STIPULATED MOTION AND
[PROPOSED] ORDER FOR
CONSOLIDATION, FILING OF
CONSOLIDATED AMENDED
COMPLAINT, AND SCHEDULE FOR
ANSWER OR MOTION TO DISMISS

Note on Motion Calendar:
August 30, 2021

**STIPULATION AND ORDER FOR
CONSOLIDATION AND SETTING DEADLINES**
Case Nos. 2:21-cv-00996; and 2:21-cv-01009

Davis Wright Tremaine LLP
LAW OFFICES
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
206.622.3150 main • 206.757.7700 fax

1 The parties, by and through their counsel, stipulate and agree as follows:

2 1. The above-captioned proposed class actions (“*Hogan and Seberson*”) each allege
3 antitrust claims against Amazon.com, Inc., based on alleged overcharges to consumers caused by
4 Amazon allegedly tying a Seller’s access to the “Buy Box” on the Amazon website to the Seller’s
5 purchase of Amazon’s fulfillment services. Plaintiffs in both *Hogan and Seberson* (“Plaintiffs”)
6 have identified their cases as related to two other proposed class actions pending before the Court,
7 which have since been consolidated into a single case under the caption *De Coster, et al. v.*
8 *Amazon.com, Inc.*, 2:21-cv-693 (“*De Coster*”).

9 2. On August 5, 2021, counsel for plaintiffs in *De Coster* filed motions to consolidate
10 *Hogan and Seberson* into the *De Coster* Action. *See* 2:21-cv-00996, Dkt. 12; 2:21-cv-01009, Dkt.
11 4. Plaintiffs in *Hogan and Seberson* oppose consolidation with *De Coster*. *See* 2:21-cv-00996,
12 Dkt. 13; 2:21-cv-01009, Dkt. 5. Amazon has not taken a position on consolidation of *Hogan* and
13 *Seberson* with *De Coster*. Briefing on the *De Coster* consolidation motion has now closed.

14 3. Without regard to the Court’s resolution of the pending motion to consolidate
15 *Hogan and Seberson* into *De Coster*, Plaintiffs and Amazon (together, the “parties”) agree that
16 consolidation of the *Hogan* and *Seberson* Actions is appropriate because the actions involve
17 materially similar allegations. Further, because Amazon intends to file a motion to dismiss the
18 *Hogan and Seberson* complaints, the parties have discussed and agreed upon a briefing schedule
19 to govern Amazon’s anticipated motion to dismiss

20 4. Based on the foregoing, the parties hereby stipulate and agree as follows:

21 a. If the Court denies the pending motions to consolidate *Hogan and Seberson*
22 with *De Coster*, Plaintiffs shall file an amended class action complaint
23 consolidating *Hogan and Seberson* within 14 days of entry of the Court’s order
24 denying the motions;

25 b. Amazon shall file its motion to dismiss (or answer) within 45 days after
26 Plaintiffs file their consolidated amended class action complaint;

- 1 c. Plaintiffs' opposition to any motion to dismiss by Amazon shall be due 45
2 days after the filing of Amazon's motion to dismiss; and
3 d. Amazon shall have 30 days to file its reply brief on its motion to dismiss.

4 DATED this 30th day of August, 2021.
5

6 By: /s/ Beth E. Terrell

7 Beth E. Terrell, WSBA #26759
8 Email: bterrell@terrellmarshall.com
9 Adrienne D. McEntee, WSBA #34061
10 Email: amcentee@terrellmarshall.com
11 936 North 34th Street, Suite 300
12 Seattle, Washington 98103
13 Telephone: (206) 816-6603
14 Facsimile: (206) 319-5450

15 Kenneth A. Wexler, *Pro Hac Vice*
16 Email: kaw@wexlerwallace.com
17 Justin N. Boley, *Pro Hac Vice*
18 Email: jnb@wexlerwallace.com
19 Zoran Tasić, *Pro Hac Vice*
20 Email: zt@wexlerwallace.com
21 WEXLER WALLACE LLP
22 55 West Monroe Street, Suite 3300
23 Chicago, Illinois 60603
24 Telephone: (312) 346 2222
25 Facsimile: (312) 346 0022

26 Daniel E. Gustafson, *Pro Hac Vice forthcoming*
27 Email: dgustafson@gustafsongluek.com
28 Daniel C. Hedlund, *Pro Hac Vice forthcoming*
29 Email: dhedlund@gustafsongluek.com
30 Michelle J. Looby, *Pro Hac Vice forthcoming*
31 Email: mlooby@gustafsongluek.com
32 Daniel J. Nordin, *Pro Hac Vice forthcoming*
33 Email: dnordin@gustafsongluek.com
34 Mickey L. Stevens, *Pro Hac Vice forthcoming*
35 Email: mstevens@gustafsongluek.com
36 GUSTAFSON GLUEK PLLC
37 Canadian Pacific Plaza
38 120 South Sixth Street, Suite 2600
39 Minneapolis, MN 55402
40 Tel: (612) 333-8844
41 Fax: (612) 339-6622

Brett Cebulash, *Pro Hac Vice* forthcoming
Email: bcebulash@tcllaw.com
Kevin Landau, *Pro Hac Vice* forthcoming
Email: klandau@tcllaw.com
Evan Rosin, *Pro Hac Vice* forthcoming
Email: erosin@tcllaw.com
TAUS, CEBULASH & LANDAU, LLP
80 Maiden Lane, Suite 1204
New York, NY 10038
Tel: (212) 931-0704
Fax: (212) 931-0703

Attorneys for Plaintiffs and the Proposed Class

DAVIS WRIGHT TREMAINE LLP

By: /s/ Stephen M. Rummage
Stephen M. Rummage, WSBA #11168
MaryAnn Almeida, WSBA #49086
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
Ph: (206) 622-3150; Fax: (206) 757-7700
Email: SteveRummage@dwt.com
Email: MaryAnnAlmeida@dwt.com

Attorneys for Defendant Amazon.com, Inc.

**STIPULATION AND ORDER FOR
CONSOLIDATION AND SETTING DEADLINES - 3**

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ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED this ____ day of _____, 2021.

Honorable Ricardo S. Martinez
United States District Judge